

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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SATICOY BAY, LLC SERIES 7342
TANGLEWOOD PARK,

Plaintiff,

VS.

JPMORGAN CHASE BANK, N.A.;
CALIFORNIA RECONVEYANCE COMPANY;
BEAULAH R. ATKINSON and DAMON A.
GREEN,

Defendants.

2:13-cv-01199-JCM-VCF

**ORDER GRANTING MOTION TO LIFT
STAY AND REPORT AND
RECOMMENDATION**

Before the court is plaintiff's Motion to Lift Stay (#37). Only defendants SRMOF II Trust, U.S. Bank National Association, as trustee, and California Reconveyance Company, filed a limited opposition, which, in effect, does not object to the lifting of the stay of these proceedings, but seeks stipulated injunctive relief. The limited opposition requests a court order staying the transfer of the subject property, pursuant to the prior stipulation of the parties (#33). The time to oppose plaintiff's motion (#37) has expired. Pursuant to LR 7-2 (d), “[t]he failure of an opposing party to file points and authorities in response to any motions shall constitute a consent to the granting of the motion.”

Additionally, good cause exists to grant plaintiff's motion. On February 28, 2014, the Honorable James C. Mahan ordered a stay of these proceedings pending the Nevada Supreme Court's ruling as to whether a foreclosure of an HOA "super priority" lien pursuant to Nev. Rev. Stat. § 116.3116 extinguishes an earlier deed of trust. (#36, p. 2). In its motion, plaintiff represents that the Nevada Supreme Court has ruled on this issue (#37, pp.1-2). Plaintiff also requests that the court set a deadline for filing dispositive motions.

1 Accordingly,

2 IT IS HEREBY ORDERED that the stay entered in this case on February 28, 2014, is lifted.

3 IT IS FURTHER ORDERED that dispositive motions must be filed and served on or before

4 **January 30, 2015.**

5 IT IS FURTHER ORDERED that the joint pre-trial order must be filed by **March 2, 2015**. In the
6 event dispositive motions are filed, the date for filing the Joint Pre-trial Order will be suspended until 30
7 days after the decision on the dispositive motions or further order of the Court.

8 IT IS HEREBY RECOMMENDED that an order meeting the requirements of FED. R. CIV. P. 65
9 be entered staying the transfer of the subject property in accordance with the parties' prior stipulation
10 (#33).

11 DATED this 24th day of December, 2014.

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14 CAM FERENBACH
15 UNITED STATES MAGISTRATE JUDGE
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